

REMARKS**Claim Amendments**

In the Office Action of June 9, 2004, Claim 20 was considered allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In this response it has accordingly been rewritten in independent form including all the limitations of claims 1 and 19, from which it originally depended.

Claim 45 was withdrawn from consideration in an earlier Action as a non-elected claim after restriction was required. Applicants believe it to be allowable based on the reasons for allowance given for claim 20, and thus have amended it, rewriting it in independent form and including all the limitations of claim 41, from which formerly depended.

Status of Claims:

Claims 1-70 are pending in the application. Claims 13-18, 21-24 and 27-68 were withdrawn from consideration. Claims 1, 2, 5, 7, 8, 19, 69, and 70 were rejected under 35 USC 102(b) as being anticipated by Iida et al., US Patent No. 5,747,846. Claims 3-4, 6, and 9-12 were rejected under 35 USC 103(a) as being unpatentable over Iida et al. Claims 20, 25, and 26 were objected to.

A. Rejections: 35 USC 102 and 103

Claims 1, 2, 5, 7, 8, 19, 69, and 70, rejected under 35 USC 102(b), have been cancelled. Claims 3-4, 6, and 9-12, rejected under 35 USC 103(a), have likewise been cancelled. Applicants reserve the right to pursue these claims in a divisional application.

B. Objection to claims 20, 25 and 26

Claims 20, 25, and 26 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants appreciate the indication of allowable subject matter. Claim 20 has been rewritten in independent form, including all of the limitations of claims 1 and 19, from which it depends, and is believed to be allowable.

Applicants respectfully note that, in response to an earlier indication of allowability, claim 25 was rewritten in independent form in the response of May 23, 2003, and it and its dependent claim 26 were indicated to be allowed in the Office Action of August 21, 2003. Applicants thus believe these claims to be allowable in their current form.

C. Rejoinder requested

Applicants respectfully request rejoinder of claims 21-24, 27-34, and 45-49. These claims were subject to a restriction requirement and were not elected for prosecution.

Claims 21-24 and 27-34 depend, directly or indirectly, from allowed claim 20, and are thus believed to also be allowable.

Claim 45 recites the array of claim 41, wherein the array of nonvolatile memory devices comprises a three dimensional array of memory devices. Claim 20 was considered allowable because, as the Examiner writes in paragraph 6 under the heading "Allowable Subject Matter" in the Action of June 9:

... claim 20 distinguishes from prior art particularly by the additional limitation that the claimed nonvolatile memory devices ... comprises a monolithic three dimensional array of memory devices (wherein Iida et al. only disclose written description for a 2-dimensional array of memory devices.)

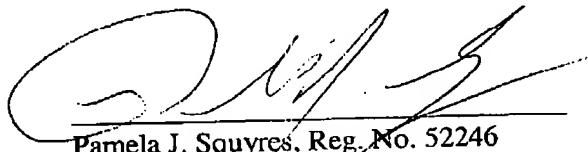
Applicants respectfully suggest that because claim 45 contains the same limitation that renders claim 20 allowable, it is also allowable, along with its dependent claims 46-49. Claim 45 is amended in this response, rewritten in independent form and including the limitations of independent claim 41, from which it formerly depended.

Conclusion

Applicants appreciate the Examiner's reopening of prosecution. In view of these remarks, Applicants submit that this application is in condition for allowance. Reconsideration is respectfully requested. If objections remain, Applicants respectfully request an interview, and the Examiner is asked to contact the undersigned agent at (408) 869-2921.

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Date



Pamela J. Squyres, Reg. No. 52246
Agent for Applicants

Matrix Semiconductor
3230 Scott Blvd
Santa Clara, CA 95054
Tel. 408-869-2921